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09/848,931	05/04/2001	Robert J. Feilbogen	10251-037	7100

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Proskauer Rose LLP
Patent Department
1585 Broadway
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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,931

Applicant(s)

FEILBOGEN ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication filed on May 4, 2001, which paper has been placed of record in the file.
2. Claims 1-51 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferstenberg et al, (hereinafter Ferstenberg), U.S. Patent No. 5,873,071.

Regarding to claim 1, Ferstenberg discloses a method for straight through processing of trades by electronically exchanging data related to financial transactions between at least one price provider which provides price quotes for trading financial instruments and executes trades and a plurality of customers of the price provider through a plurality of electronic portals, wherein each of the plurality of electronic portals may use one of multiple different portal-specific data formats, and wherein a particular customer may use any of the plurality of electronic portals to which the customer has access to communicate with the price provider, the method comprising:

linking each of a plurality of electronic portals and a price provider to a central transit point through which data from all of the plurality of electronic portals is

transmitted (figure 5 and column 39, line 25-column 41, line 30, a plurality of client systems are linked to the OM system, each client has an interface process of the type specialized for handling that client);

receiving customer data from each of the plurality of electronic portals, wherein the customer data is received in a format specific to a particular portal of the plurality of electronic portals through which it is received (column 41, lines 17-30, client interface processes of the OM system are implemented to include two processing functions, e.g. function 85 presents a single communication port for access to the OM system and supports communication protocols and message formats appropriate to each class of client system and client interactive software);

normalizing the received data from the portal-specific format in which the data is received into an internal format, if the portal-specific format is different from the standardized format (column 41, lines 40-45, translating the received data from the external format into an internal format); and

transmitting the normalized data through the central transit point to the price provider, if the central transit point is not at the price provider (column 41, lines 40-50, exchanging messages between the client system and the OM system).

Ferstenberg does not disclose the internal format is a standardized format. However, using a standardized format in electronic exchange for trading financial instruments is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Ferstenberg's to implement the internal format by a standardized format for the purpose of providing

more convenient and efficient for the OM system to handle the communication with the plurality of different types of client systems having different message formats.

Regarding to claim 2, Ferstenberg further discloses wherein the central transit point is at one of a central router, the price provider and a credit intermediary (figure 5, the OM system 40).

Regarding to claim 3, Ferstenberg further discloses wherein the data comprises at least one of a request for a price quote, an instruction to execute a trade, a recap of details of the trade, and a free-format text-based conversation (column 18, lines 5-30, offer, counter-offer to buy or sell the commodity).

Regarding to claim 4, Ferstenberg further discloses wherein the step of normalizing the data further comprises converting the data from a portal-specific communication protocol in which the data is received into a standardized communication protocol (column 41, lines 25-45).

Regarding to claim 5, Ferstenberg further discloses comprising linking a second price provider to the central transit point, and providing the normalized data to the second price provider (column 45, lines 1-10).

Regarding to claims 6-7, Ferstenberg further discloses receiving further data from the price provider that is directed to a particular portal of the plurality of electronic portals, and translating the further data from the internal format into a portal-specific format used by the particular portal through which the further data is to be sent, if the portal-specific format is different from the standardized format (column 41, lines 40-45, translating internal formats into external formats). Ferstenberg does not disclose the

internal format is a standardized format. However, using a standardized format in electronic exchange for trading financial instruments is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Ferstenberg's to implement the internal format by a standardized format for the purpose of providing more convenient and efficient for the OM system to handle the communication with the plurality of different types of client systems having different message formats.

Regarding to claims 8-9, Ferstenberg further discloses wherein the data comprises a customer request by a customer for a price quote and the further data comprises a price quote sent in response to the request, and wherein the method further comprises transmitting the price quote to the customer via the portal from which the price quote request was received, wherein the price quote is provided by one of a trader at the price provider and an automated pricing engine at the price provider for automatically providing the price quotes (column 17, lines 12-18).

Regarding to claim 10, Ferstenberg further discloses transmitting an instruction from the customer to the price provider in response to the price quote to proceed with a trade, whereupon the price provider fulfills the trade at the price quote (column 18, lines 5-30, offer, counter-offer to buy or sell the commodity).

Regarding to claim 11, Ferstenberg further discloses electronically sending a customer who has executed a trade details of the trade through the first portal (column 55, lines 22-35).

Regarding to claim 12, Ferstenberg further discloses receiving the trade

details at the price provider (column 55, lines 22-35).

Regarding to claim 13, Ferstenberg further discloses receiving a second request for a second price quote from a second customer that is sent through a second of the plurality of electronic portals in a second portal-specific format that is different from the first portal-specific format; normalizing the second request from the second portal specific format in which it is received into the internal format; transmitting the second request to the price provider in the internal format; transmitting a second price quote from the price provider to the second customer who requested the second price quote through the second electronic portal; and transmitting an instruction from the first customer to the price provider in response to the first price quote to proceed with a trade, whereupon the price provider fulfills the trade at the first price quote (figure 5 and column 39, line 25-column 41, line 30, a plurality of client systems are linked to the OM system, each client has an interface process of the type specialized for handling that client).

Regarding to claim 14, Ferstenberg further discloses withdrawing by the price provider of the second price quote by one of manually entering an instruction to withdraw the second price quote and providing a system for automatically withdrawing the second price quote at a particular point based on specific criteria (column 44, lines 37-60).

Regarding to claim 16, Ferstenberg further discloses using the data on the display to determine at a price provider whether to make a price quote based on criteria comprising at least one of exposure of the price provider to market risk, a credit risk

associated with the second customer, a trade position of the price provider, and a marketplace-specific factor (column 18, lines 30-50).

Regarding to claims 15 and 17-18, Ferstenberg further discloses receiving the normalized data at the price provider (column 18, lines 30-35). Ferstenberg does not disclose simultaneously displaying at the price provider the received data exchanged with at least two of the plurality of electronic portals on a single display, wherein the data from the at least two electronic portals are simultaneously displayed in separate windows on the display but with a substantially identical graphical user interface for each of the windows, wherein each portal utilizes a respective portal-specific graphical user interface, and wherein the method further comprises displaying the data from the at least two electronic portals simultaneously in separate windows on the display using the respective graphical user portal-specific interfaces, and providing a set of uniform commands for interacting with the at least two electronic portals despite the different graphical user interfaces. However, displaying multiple windows at the same display is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Ferstenberg's to include the feature above for the purpose of providing more convenient and easier for communicating with different electronic portals simultaneously.

Regarding to claims 19-21, Ferstenberg does not disclose wherein a separate gateway is connected between internal systems at each of the plurality of electronic portals and the central transit point, providing a central router comprising a separate gateway, providing a separate gateway at the price provider for each of the plurality of

electronic portals, the normalizing of data being performed at the respective gateways for the plurality of electronic portals. However, providing a separate gateway at the price provider for each of the plurality of electronic portals is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Ferstenberg's to include the feature above for the purpose of providing more convenient and easier for performing translation at a separate gateway for each of electronic portals.

Regarding to claim 22, Ferstenberg does not disclose linking a credit intermediary of a customer to the central transit point. However, linking a credit intermediary of a customer to the central transit point is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Ferstenberg's to include the feature above for the purpose of providing settlement transaction for the customer.

Regarding to claim 23, Ferstenberg further discloses wherein the price provider comprises at least one of a bank, a financial institution, an exchange, and any other trading entity, wherein the customer comprises a commercial entity that wishes to obtain a price quote, and wherein the financial instrument for which the price quote is requested comprises at least one of securities, commodities, options, futures, item, currency and any other tradable (column 1, lines 25-45).

Regarding to claims 24-25, Ferstenberg further discloses wherein each of the plurality of electronic portals is connected to a customer by one of a private network, a public network, and the Internet, wherein the price provider is connected to a Central

Router by one of a private network, a public network, and the Internet (column 16, lines 5-15).

Claims 26-51 contain similar limitations found in claim 1-25 above, therefore, are rejected by the same rationale.

Conclusion

5. Claims 1-51 are rejected.

6. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Symonds et al. (US 6,039,245) disclose a financial transaction processing system enables processing transactions from various types of card activated terminal devices which communicate using a variety of electronic message formats.

Wilson (US 5,864,827) discloses a system and method for providing an information gateway.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

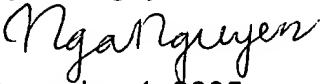
(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen



December 1, 2005